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8 F.S.B.

## UNITED STATES DISTRICT COURT

## CENTRAL DISTRICT OF CALIFORNIA

INDYMAC BANK, F.S.B.,

Case No. CV 07-1914 R (MANx)

Plaintiff,

## JUDGMENT

vs.

GENEVA MORTGAGE CORP.,

Defendant.

## TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

18 This action came on for hearing on December 8, 2008, before  
19 the Honorable Manuel L. Real, District Court Judge Presiding, on  
20 a Motion for Partial Summary Judgment and a Motion to Compel the  
21 Deposition of Keith Haffner and Request for Terminating and  
22 Monetary Sanctions. The Court made the following Orders:

23 1. On December 30, 2008, the Court entered a Partial  
24 Summary Judgment against defendant GENEVA MORTGAGE CORPORATION  
25 ("GENEVA"). Pursuant to the Partial Summary Judgment, the Court  
26 ruled that GENEVA breached the terms of the contract between  
27 GENEVA and plaintiff FEDERAL DEPOSIT INSURANCE CORPORATION, as  
28 conservator for INDYMAC FEDERAL BANK, F.S.B. ("INDYMAC") as it


1 relates to the mortgage loans sold to INDYMAC and identified in  
 2 INDYMAC's Motion for Partial Summary Judgment as the Archer I and  
 3 II Loans, Clarke I and II Loans, Frasile Loan, Laluisa I and II  
 4 Loans, Perez Loan, Pratt I and II Loans, Puckett Loan, Reyes  
 5 Loan, Rivera I and II Loans. Partial Summary Judgment in the  
 6 amount of **\$2,352,255.42** is awarded against GENEVA, plus interest,  
 7 attorneys' fees and costs and that damages award would be  
 8 included in the final judgment of the Court.

9 2. On December 30, 2008, the Court entered an Order for  
 10 terminating sanctions against GENEVA pursuant to Federal Rule of  
 11 Civil Procedure 37(d)(1)(A), struck GENEVA's Answer to the  
 12 Complaint and entered GENEVA's default judgment.

13 As a result of the foregoing, the evidence presented having  
 14 been fully considered, the issues having been duly heard and  
 15 decisions having been duly rendered,

16 **IT IS HEREBY ORDERED AND DECREED** judgment is rendered in  
 17 favor of the FEDERAL DEPOSIT INSURANCE CORPORATION, as  
 18 conservator for INDYMAC FEDERAL BANK, F.S.B. and against GENEVA  
 19 MORTGAGE CORP., in the amount of **\$2,352,255.42** plus interest,  
 20 attorneys' fees, and costs as set forth in INDYMAC's Application  
 21 for Attorneys' Fees and its Bill of Costs filed on January 13,  
 22 2009.

23 DATED: January 23, 2009

  
 The Hon. Manuel L. Real  
 U.S. District Court Judge,  
 Central District of California

PROOF OF SERVICE

## STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is Thirty-First Floor, 444 South Flower Street, Los Angeles, California 90071-2901.

On January 13, 2009, I served the following document(s) described as **[PROPOSED] JUDGMENT** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Bob Bellar	Defendant in Pro
Geneva Mortgage Corp.	Per
100 North Centre Avenue	
Rockville Centre, NY 11570	
Telephone: (888) 338-3863	

Geneva Mortgage Corp.	Defendant in Pro
1767 Morris Avenue	Per
Union, NJ 07083	
Attention: Bob Bellar	
Telephone: (908) 687-2000	

**BY CERTIFIED MAIL:** I am "readily familiar" with Anderson, McPharlin & Connors' practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed on January 13, 2009, at Los Angeles, California.

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Sherry A. Plouff